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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,615	01/25/2001	Kashichi Hirota	P66355US0	5712

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EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,615	HIROTA ET AL.	
	Examiner	Art Unit	
	Yuwen Pan	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Per claim 4, the applicant argues that the context of the application that a dispersed inclusion of fine particles in the transparent section is different from the dispersed application of particles on a surface, in another words, Toyooka reference "does not teach a dispersed including of fine particles in the transparent section". The examiner respectfully disagrees because Toyooka teaches a layer colored materials (see figure 2 and items 6, 13) is dispersedly included between the transparent materials (figure 2 and item 17, and 21).

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/05 has been entered.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, 7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyooka (US006504928B1).

Per claims 1, 9 and 10 Toyooka discloses a portable telephone (see column 1 and line 8-15) comprising:

A telephone body formed of a plastic material, wherein at least part of said body includes a section formed of a transparent material (figure 1 and item 3, transparent base film), said section formed of a transparent material having a rear facing the interior of the telephone (see column 5 and lines 3-10);

An adhesive layer provided on the rear face of said section formed of said transparent material (see figure 1 and item 15);

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer so that the fragments are adhesively held on said adhesive layer (see figure 1 and 2, column 9 and lines 39-51); and

A painted layer provided on said adhesive layer said colored or lustrous fine fragments, said painted layer including a light-permeable ink in the form of fine fragments (see figure 1 and item 7 and column 5 and lines 40-67, see column 6 and line 42-67).

Per claim 4, Toyooka discloses a telephone comprising: a body formed of a plastic material, wherein at least part of said body includes a section formed of a colored or colorless transparent material; and fine powders of colored (see figure 2 and items 6, 13) or lustrous material is dispersedly included between the transparent materials (figure 2 and item 17, and 21).

Per claims 5 and 7, toyooka further teaches that a telephone comprising: a display having a display panel (see figure 1 and item 21), A transparent guard plate disposed outside display panel with leaving a space to said display panel, wherein said transparent guard plate includes a transparent section having an approximate same size and shape as the display panel in a position corresponding to said display panel and a peripheral section around said transparent section, said peripheral section being formed of a transparent material (see column 9 and lines 34-38, figure 5 and items 8 and 21);

An adhesive layer provided on the rear face of said peripheral section (see figure 5 and item 17 and figure 1 and item 15);

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer so that the fragments are adhesively held on adhesive layer (see figure 1 and 2, column 9 and lines 39-51);

A painted layer provided on said adhesive layer said colored or lustrous fine fragments, said painted layer including a light-permeable ink in the form of fine fragments (see figure 1 and item 7 and column 5 and lines 40-67, see column 6 and line 42-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyooka (US006504928B1) in view of Fischer et al (US005710197A).

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Per claim 2, Toyooka discloses a telephone (figure 1) comprising:

A body formed of a plastic material, wherein at least part of said body includes a section formed of a transparent material (see column 5 and lines 3-10, figure 1 and item 1, 3 and 21);

Toyooka doesn't disclose a luminous material mixed in said section formed of said transparent material by a predetermined ratio.

Fischer teaches that a luminous material mixed in said section formed of said transparent material by a predetermined ratio (column 6 and lines 32-39). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine mixing a luminous material with said transparent material by a predetermined ratio to observe information under insufficient light environment.

Per claims 3 and 6, Toyooka discloses a telephone (figure 1) comprising:

A body formed of a plastic material, wherein at least part of said body includes a section formed of a transparent material, said section formed of a transparent material having a rear face facing the interior of the telephone (see column 5 and lines 3-10, figure 1 and item 1, 3 and 21);

Toyooka doesn't disclose a luminous material mixed in said section formed of said transparent material.

Fischer teaches that a luminous material mixed in said section formed of said transparent material by a predetermined ratio (column 6 and lines 32-39). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine mixing a luminous material with said transparent material by a predetermined ratio to observe information under insufficient light environment.

Per claim 11, Fischer teaches that a luminous material mixed in said section formed of said transparent material by a predetermined ratio. Although Fischer doesn't specify the percentage of the mixture ratio, such as 5%-10%, it would have been obvious to one ordinary skill in the art to select certain mixture ratio for mixing the plastic material with the luminous material based on designer's preference.

6. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyooka (US006504928B1) in view of Synder (US006389268B1) and further in view of Yoshida et al (US006421181B1).

Toyooka discloses a portable telephone (see column 1 and line 8-15) comprising:

A display having a display panel (see figure 1 and item 21);

A transparent guard plate disposed outside display panel with leaving a space to said display panel, wherein said transparent guard plate includes a transparent section corresponding to said display panel and a peripheral section around said transparent section, said peripheral section being formed of a transparent material (see column 9 and lines 34-38, figure 5 and items 8 and 21);

An adhesive layer provided on the rear face of said peripheral section (see figure 5 and item 17 and figure 1 and item 15);

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer so that the fragments are adhesively held on adhesive layer (see figure 1 and 2, column 9 and lines 39-51);

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A painted layer provided on said adhesive layer said colored or lustrous fine fragments, said painted layer including a light-permeable ink in the form of fine fragments (see figure 1 and item 7 and column 5 and lines 40-67, see column 6 and line 42-67).

Toyooka doesn't teach said transparent section including a front face and rear face facing said display panel, said front face being formed as a convex lens having a convex surface.

Snyder discloses said transparent section including a front face and rear face facing said display panel, said front face being formed as a convex lens having a convex surface (see figure 2, and column 2 and lines 6-12).

Combination of Toyooka and Snyder doesn't teach rear face being formed as Fresnel lens having a convex lens function.

Yoshida et al discloses that Fresnel lens having a convex lens function is incorporated (see column 2 and lines 32-52).

It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize Fresnel lens with convex function such that the magnified images are displayed, at a position adjacent to the screen.


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
April 18, 2005


VIVIAN CHIN
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4/18/05